

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CALVIN MALONE,

Plaintiff,

v.

WASHINGTON STATE SPECIAL
COMMITMENT CENTER CHIEF
MEDICAL DIRECTOR, DR. LESLIE
SZIEBERT; WASHINGTON STATE
SPECIAL COMMITMENT CENTER
GALINA DIXON, ARNP,

Defendants.

CASE NO. 3:15-CV-05552-RBL-DWC

REPORT AND RECOMMENDATION
ON PLAINTIFF'S MOTION TO
DISMISS DEFENDANT GALINA
DIXON

The District Court referred this action, filed pursuant to 42 U.S.C. § 1983, to United States Magistrate Judge David W. Christel. Before the Court is a motion filed by Plaintiff Calvin Malone, requesting the Court dismiss Defendant Dixon without prejudice. Dkt. 50. Defendants Dixon and Sziebert have filed responses indicating they have no objection to Plaintiff's motion. Dkt. 51, 52.

Plaintiff filed this action against Defendants Leslie Sziebert and Galina Dixon, as well as fifty unnamed "Doe" Defendants, on August 6, 2015. Dkt. 1, 8. Since that time, the Court has

1 granted Defendant Dixon's motion to dismiss, but given Plaintiff leave to amend his complaint
2 to state a claim against Defendant Dixon. Dkt. 43, 46. Instead of filing an amended complaint,
3 Plaintiff filed a motion to dismiss Defendant Dixon from the case without prejudice. Dkt. 50.

4 In light of this Court's order granting Defendant Dixon's motion to dismiss and
5 Plaintiff's motion to dismiss Defendant Dixon, the Court recommends Plaintiff's request to
6 dismiss Defendant Dixon be granted without prejudice.

7 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
8 fourteen (14) days from service of this Report to file written objections. *See also* Fed. R. Civ. P.
9 6. Failure to file objections will result in a waiver of those objections for purposes of *de novo*
10 review by the district judge. *See* 28 U.S.C. § 636(b)(1)(C). Accommodating the time limit
11 imposed by Fed. R. Civ. P. 72(b), the clerk is directed to set the matter for consideration on July
12 29, 2016, as noted in the caption.

13 Dated this 8th day of July, 2016.

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15 David W. Christel
16 United States Magistrate Judge
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